

**MESSAGE**

PRESIDENT OF THE U. STATES,  
Returning, with the objections, the Bill to  
incorporate the Fiscal Bank of the United  
States, Aug. 16, 1841.

To the Senate of the United States:  
The bill entitled "An act to incor-  
porate the subscribers to the Fiscal Bank  
of the United States, which originated in  
the Senate, has been considered by me,  
with a sincere desire to conform my ac-  
tion in regard to it, to that of the two  
Houses of Congress. By the Constitution  
it is made my duty either to approve the  
bill by signing it, or to return it with my  
objections to the House in which it origi-  
nated. I cannot conscientiously give it  
my approval, and I proceed to discharge  
the duty required of me by the Constitu-  
tion—to give my reasons for disapproving.

The power of Congress to create a Na-  
tional Bank to operate *per se* over the  
Union, has been a question of dispute  
from the origin of our government. Men  
most justly and deservedly esteemed for  
their high intellectual endowments, their  
virtue and their patriotism, have, in regard  
to it, entertained different and conflicting  
opinions. Congresses have differed.—  
The approval of one President has been  
followed by the disapproval of another.—  
The People at different times have acqui-  
esced in decisions both for and against.—  
The country has been and still is deeply  
agitated by this unsettled question. It  
will suffice for me to say, that my own  
opinion has been uniformly proclaimed to  
be against the exercise of any such power  
by this Government. On all suitable oc-  
casions, during a period of twenty-five  
years, the opinion thus entertained has  
been unreservedly expressed. I declared  
it in the legislature of my native State.—  
In the House of Representatives of the  
United States it has been openly vindic-  
ated by me.

In the Senate chamber, in the presence  
and hearing of many who are at this time  
members of that body, it has been affir-  
med and re-affirmed, in speeches and reports  
there made, and by votes there recorded.  
In popular assemblies I have unhesita-  
tingly announced it; and the last public  
declaration which I made, and that but a  
short time before the late Presidential elec-  
tion, I referred to my previously expressed  
opinions as being those then entertained  
by me; with a full knowledge of the opini-  
ons thus entertained and never concealed,  
I was elected by the people Vice Presi-  
dent of the United States. By the occur-  
rence of a contingency provided for by the  
Constitution, and arising under an impres-  
sive dispensation of Providence, I succeed-  
ed to the Presidential office. Before enter-  
ing upon the duties of that office, I  
took an oath that I would "preserve,  
protect, and defend the Constitution of the  
United States."

Entertaining the opinions alluded to,  
and having taken this oath, the Senate  
and the country will see that I could not  
give my sanction to a measure of the  
character described, without surrendering  
all claim to the respect of honorable men  
—all confidence on the part of the people  
—all self-respect—all regard for moral  
and religious obligations; without an ob-  
servance of which, no government can be  
prosperous, and no people can be happy.  
It would be to commit a crime which I  
would not wilfully commit to gain any  
earthly reward, and which would justly  
subject me to the ridicule and scorn of all  
virtuous men.

I deem it entirely unnecessary at this  
time to enter upon the reasons which  
have brought my mind to the convictions  
I feel and entertain on this subject.—  
They have over and over again been re-  
peated. If some of those who have pre-  
ceded me in this high office have enter-  
tained and avowed different opinions, I  
yield all confidence that their convictions  
were sincere. I claim only to have the  
same measure meted out to myself. With-  
out going further into the argument, I  
will say that, looking to the powers of  
this Government to collect, safely keep,  
and disburse the public revenue, and in-  
cidentally regulate the commerce and ex-  
changes, I have not been able to satisfy  
myself that the establishment, by this  
Government, of a bank of discount, in the  
ordinary acceptation of that term, was a  
necessary means, or one demanded by  
propriety, to execute those powers.—  
What can the local discounts of a bank  
have to do with the collecting, safe-keep-  
ing, and disbursing of the revenue?

So far as the mere discounting of pa-  
per is concerned, it is quite immaterial to  
this question, whether the discount is ob-  
tained at a State bank or a U. S. Bank.

They are both equally local—both be-  
ginning and both ending in a local accom-  
modation. What influence have local  
discounts, granted by any form of banks,  
in the regulating of the currency and the  
exchanges? Let the history of the late  
United States Bank aid us in answering  
this inquiry.

For several years after the establish-  
ment of that institution, it dealt almost ex-

clusively in local discounts, and during  
that period the Country was, for the most  
part, disappointed in the consequences  
anticipated from its incorporation. A uni-  
form currency was not provided, ex-  
changes were not regulated, and little or no-  
thing was added to the general circulation;  
and in 1820 its embarrassments had be-  
come so great, that the Directors peti-  
tioned Congress to repeal that article of the  
Charter which made its notes receivable  
every where, in payment of public dues.

It had, up to that period, dealt but to a  
very small extent in exchanges, either for-  
eign or domestic; and as late as 1832, its  
operations in that line amounted to a little  
more than \$7,000,000 per annum; a very  
rapid augmentation soon after occurred,  
and in 1833 its dealings in the exchanges  
amounted to upwards of 100,000,000, in-  
cluding the sales of its own drafts; and  
all these immense transactions were ef-  
fected without the employment of extra-  
ordinary means. The currency of the  
country became sound, and the negotia-  
tions in the exchanges were carried on at  
the lowest possible rates.

The circulation was increased to more  
than \$22,000,000 and the notes of the  
Bank were regarded as equal to specie all  
over the country; thus showing, most  
conclusively, that it was their capacity to  
to deal in exchanges, and not in local dis-  
counts, which furnished these facilities and  
advantages. It may be remembered, too,  
that notwithstanding the immense transac-  
tions of the Bank, in the purchase of  
exchange, the losses were merely nominal;  
while in the time of discounts, the sus-  
pended debt was enormous, and found  
most disastrous to the Bank and the coun-  
try. Its power of local discount has, in  
fact, proved to be a fruitful source of fa-  
voritism and corruption, alike destructive  
to the public morals and to the general  
weal.

The capital invested in banks of dis-  
count in the United States, created by the  
States, at this time exceeds \$350,000,000;  
and if the discounting of local paper could  
have produced any beneficial effects, the  
U. States ought to possess the soundest  
currency in the world, but the reverse is  
lamentably the fact.

Is the measure now under considera-  
tion, of the objectionable character to  
which I have alluded? It is clearly so,  
unless by the 16th fundamental article of  
the 11th section it is made otherwise.—  
That article is in the following words:

"The directors of the said corporation  
shall establish one competent office of dis-  
count and deposit in any State in which two  
thousand shares shall have been subscribed,  
or may be held, whenever, upon application  
of the Legislature of such State, Congress  
may, by law, require the same. And the  
said directors may also establish one or more  
competent offices of discount and deposit in  
any Territory or District of the United States,  
and in any State, with the assent of such  
State; and when established, the said office  
or offices shall be only withdrawn or removed  
by the said directors, prior to the expiration  
of this charter, with the previous assent of  
Congress. Provided, in respect to any State  
which shall not, at the first session of the  
Legislature thereof, held after the passage of  
this act, by resolution, or other usual legis-  
lative proceeding, unconditionally assent or  
dissent to the establishment of such office or  
offices within it, such assent of the said State  
shall be thereafter presumed; and provided,  
nevertheless, that whenever it shall become  
necessary and proper, for carrying into ex-  
ecution any of the powers granted by the Con-  
stitution, to establish an office or offices in  
any of the States whatever, and the estab-  
lishment thereof shall be directed by law, it  
shall be the duty of the said directors to es-  
tablish such office or offices accordingly."

It will be seen by this clause that the di-  
rectors are invested with the fullest power to  
establish a branch in any state which has  
yielded its assent, and having once estab-  
lished such branch, it shall not afterward be  
withdrawn, except by order of Congress.  
Such assent is to be implied, and to have the  
force and sanction of an actually expressed  
assent "provided in respect to any State  
which shall not, at the first session of the  
Legislature held thereof after the passage of  
this act, by resolution or other usual legis-  
lative proceeding, unconditionally assent or dis-  
sent to the establishment of such office or of-  
fices within it, such assent of said State shall  
be presumed." The assent or dissent is to  
be expressed unconditionally at the first ses-  
sion of the legislature by some formal legis-  
lative act; and if not so expressed its assent  
is to be implied, and the directors are there-  
fore invested with power, at such time there-  
after as they may please to establish branches,  
which cannot afterward be withdrawn, ex-  
cept by resolve of Congress—no matter what  
may be the cause which may operate with  
the Legislature, which either prevents it from  
speaking, or addresses itself to its wisdom to  
induce delay, its assent is to be implied—  
binding and inflexible—It is the lawgiver  
of the master to the vassal, an unconditional  
answer is claimed forthwith, and delay, post-  
ponement, or incapacity to answer, produces  
an implied assent, which is ever after irrevoc-  
able.

Many of the State elections have already  
taken place, without any knowledge on the  
part of the people, that such a question was  
to come up. The representatives may desire

a submission of the question to their constitu-  
ents preparatory to final action upon it, but  
this high privilege is denied: whatever may  
be the motives and views entertained by the  
representatives of the people to induce delay,  
their assent is to be presumed, and is ever  
afterward binding, unless their assent shall  
be unconditionally expressed at their first ses-  
sion after the passage of this bill into a law.

They may by formal resolution declare the  
question of assent to be undecided and post-  
poned, and yet, in opposition to their express  
declaration to the contrary, their assent is to  
be implied. Cases innumerable might be  
cited to manifest the irrationality of such an  
inference. Let one or two in addition suf-  
fice—the popular branch of the Legislature  
may express the dissent by a unanimous vote,  
and its resolution may be defeated by the  
vote of the Senate; and yet the assent is to  
be implied. Both branches of the Legisla-  
ture may concur in a resolution of decided  
dissent, and yet the Governor may exert the  
veto power conferred on him by the State  
Constitution, and their Legislative action be  
defeated; and yet the assent of the Legisla-  
ture authority is implied, and the Directors of  
this contemplated institution are authorized  
to establish a branch or branches in such  
State, whenever they may find it conducive  
to the interest of the stockholders to do so;  
and having once established it, they can, un-  
der no circumstances, withdraw it, except by  
an act of Congress.

The State may afterward protest against  
any such unjust interference—but its author-  
ity is gone. Its assent is implied by its fail-  
ure or inability to act at its first session, and  
its voice can never afterward be heard. To  
inferences so violent, and, as they seem to  
me, irrational, I cannot yield my consent.  
No court of justice would or could sanction  
them, without reversing all that is estab-  
lished in judicial proceedings, by introducing  
presumptions at variance to the fact, and in-  
ferences at the expense of reason. A State  
in a condition of duress would be presumed  
to speak, as an individual manacled and im-  
prisoned might be presumed to be in the en-  
joyment of freedom. Far better to say to the  
States boldly and frankly—Congress wills,  
and submission is demanded.

It may be said that the directors may not  
establish branches under such circumstances;  
but this is a question of power, and this bill  
invests them with full power to do so. If  
the Legislature of New-York, or Pennsylvania,  
or any other State, should be found in such  
condition as I have supposed, could there be  
any security furnished against such a step on  
the part of the directors? Nay, is it not fair-  
ly to be presumed that this proviso was in-  
troduced for the sole purpose of meeting the  
contingency referred to? Why else should  
it have been introduced?

And I would submit to the Senate, wheth-  
er it can be believed, that any state would  
be likely to sit quietly down under such a  
state of things? In a great measure of pub-  
lic interest their patriotism may be success-  
fully appealed to, but to infer their assent  
from circumstances at war with such infer-  
ence, I cannot but regard as calculated to ex-  
cite a feeling of fatal enmity with the peace  
and harmony of the country, I must therefore  
regard this clause as asserting the power to  
be in Congress to establish offices of dis-  
count in a state, not only without its assent,  
but without its dissent: and so regarding it,  
I cannot sanction it.

On general principles, the right in Con-  
gress to prescribe terms to any State, implies  
a superiority of power and control, deprives  
the transaction of all pretence to compact be-  
tween them, and terminates, as we have seen,  
in the total abrogation of freedom of action  
on the part of the states. But fourth; the  
State may express, after the most solemn  
form of legislation, its dissent, which may  
from time to time thereafter be repeated in  
full view of its own interest, which can never  
be separated from the wise and beneficent  
operation of this government: and yet, Con-  
gress may, by virtue of the last proviso,  
overrule its law, and upon grounds which, to  
such a state, will appear to rest on a con-  
structive necessity and propriety, and nothing  
more.

I regard the bill as asserting for Congress  
the right to incorporate a U. S. Bank, with  
power and right to establish offices of dis-  
count and deposit in the several States of  
this Union, with or without their consent, a  
principle to which I have already heretofore  
been opposed, and which can never obtain  
my sanction. And waving all other consid-  
erations growing out of its other provisions, I  
return it to the House in which it originated,  
with these my objections to its approval.

JOHN TYLER.  
WASHINGTON, Aug. 16, 1841.

*Could not Wait—In a Hurry.*—J. W. Bor-  
den Receiver of Public Money at the Land  
Office, Fort Wayne, writes a letter to Presi-  
dent Tyler, in which he says he has waited  
in expectation of a removal from office until  
his patience is worn out. He accordingly  
tenders to him his resignation. The next  
mail brought intelligence of his removal—so  
that if Mr. Borden had only waited he would  
have gone out of office with the honors of  
dismissal.

A quaker in Philadelphia having purchased  
some oysters requested the vender to send  
them to his house. "Pray, sir," inquired the  
oysterman, "what might your name be?" "It  
might be Beelzebub," replied the friend, "but  
it isn't."

Flour in Boston \$6.62.

**The Murder of Miss Rogers.**

The Mayor and Magistrates of both the Up-  
per and Lower Police Offices are yet actively  
and earnestly engaged in endeavors to detect  
and arrest the murderer or murderers of Miss  
Mary C. Rogers, for murdered she assuredly  
was, and the idle stories that she was the au-  
thor of her own destruction cannot for a mo-  
ment, be entertained. There is nothing as yet  
positive as to the person who did the dreadful  
deed, as some of the public journals have so  
vauntingly announced. It is true that suspicion  
has fallen with, perhaps, much propriety on an  
individual who has been considered respecta-  
ble in business and connections; who was seen  
in company with the young lady a little before  
six o'clock on Sunday evening, the 25th July,  
in earnest conversation, but *not quarrelling* with  
her as has been stated, and which individual  
left the City under suspicious circumstances  
the day after the body was discovered, and has  
not since returned. This person and a young  
female answering the description of Miss Rog-  
ers were seen conversing as stated by two  
gentlemen who were strangers to both the par-  
ties, and who can only describe their appear-  
ance and dress, which correspond with those  
of the suspected person and the young lady.  
No warrants, however, have been issued, but  
the authorities have sent an officer to a distance  
in pursuit of the suspected person, accompa-  
nied by one of the gentlemen who saw them  
conversing, in order to identify him when  
found.

There are also collateral circumstances at-  
tendant on the fight of the suspected individ-  
ual, that combined, tend greatly to strengthen  
the suspicion of his guilt. Still there is noth-  
ing positive, as the person accused when ar-  
rested may be able to account for his absence,  
and may be innocent, as persons other than  
himself may have subsequently to his leaving  
her, seen, conversed with and violated the girl  
and then destroyed her. Still the Police acted  
promptly in the matter, and the result of their  
efforts will be known in two or three days, of  
which our readers will be duly advised.

The Police authorities are pursuing their in-  
vestigation in secret in order to prevent the  
guilty from becoming acquainted with the facts  
they elicit, and thus defeat the purposes of the  
inquiry, which seems to be the object of some  
to do by premature exposures, while they at  
the same time denounce the authorities for the  
very inefficiency they assist in creating. There  
is little doubt, we think, however, that an im-  
portant arrest will soon be made, that will in  
some measure relieve the pressure of public  
anxiety on this exciting subject. Dr. Cook of  
New-Jersey, and the Coroner of Hudson coun-  
ty, who held the inquest, were examined yester-  
day before the Mayor and confirmed the fact  
of her violation and murder, as has been be-  
fore stated.—N. Y. Tribune.

*Remarkable Tree.*—Mr. Agricole, at Golnits,  
has in his garden an apple tree which, in the  
year 1816, bore 268 sorts of apples and other  
fruit.—In fact, the tree has on it above 300  
sorts; but those last grafted have not yet borne  
fruit. This gentleman has effected this curi-  
osity for his amusement, by inoculating and  
grafting, and has fastened to every branch a  
little board, with the name of the sort of apple  
it bears. The tree has a strange appearance,  
from the various shapes and colors of the leaves,  
blossoms and fruits.—Some years ago, the Rus-  
sians bivouacked near this tree, and were so  
surprised at the strange shape of it, and the  
number of little boards, that they did not injure  
it, though they cut down other fruit trees for  
firewood.

**New-York Weekly Tribune.**  
**PROSPECTUS.**

The Publishers of THE NEW YORK TRIBUNE, en-  
couraged by the generous patronage and hearty  
approval which has been extended to their Daily  
paper since its establishment, and which has al-  
ready rendered it the second in point of circulation  
in the city, propose to publish, on and after the  
18th day of September, a WEEKLY edition, on a  
sheet of mammoth size, excluding all matter of  
local or transitory interest, and calculated mainly  
for Country circulation.

The Tribune—whether in its Daily or Weekly  
edition—will be what its name imports—an un-  
flinching supporter of the People's Rights and In-  
terests, in stern hostility to the errors of superfi-  
cial theorists, the influence of unjust or imperfect  
legislation, and the schemes and sophistries of  
self-seeking demagogues. It will strenuously  
advocate the Protection of American Industry  
against the grasping and to us blighting policy  
of European Governments, and the unequal com-  
petition which they force upon us, as also against  
the present depressing system of State Prison La-  
bor; it will advocate the restoration of a sound and  
uniform National Currency; and urge a discreet  
but determined prosecution of Internal Improve-  
ment. The Retrenchment, wherever practicable,  
of Government Expenditures and of Executive  
Patronage, will be zealously urged. In short, this  
paper will faithfully maintain and earnestly ad-  
vocate the Principles and Measures which the People  
approved in devolving on Whig Statesmen the  
conduct of their Government.

But a small portion, however, of its columns  
will be devoted to purely Political discussions.  
The proceedings of Congress will be carefully re-  
corded; the Foreign and Domestic Intelligence  
early and lucidly presented; and whatever shall  
appear calculated to promote Morality, maintain  
Social Order, extend the blessings of Education,  
or in any way subserve the great cause of Human  
Progress to ultimate Virtue, Liberty and Happi-  
ness, will find a place in our columns.

The Weekly Tribune will be published every  
Saturday morning in Quarto form on a very large  
imperial sheet, (31 by 42 inches), and afforded to  
Subscribers at TWO DOLLARS a year. Six cop-  
ies will be forwarded a year for Ten Dollars,  
Ten copies for Fifteen Dollars, and any larger  
number in the latter proportion. Payment in ad-  
vance will be invariably required, and the paper  
stopped whenever the term of such payment ex-  
pires. Subscriptions are respectfully solicited by  
GREENLY & McELRATH, 30 Ann-st.  
New-York, Aug. 17, 1841.

**MR. A. S. VAN PRAAG,**  
**Surgeon Dentist,**

Having returned to MILFORD, offers his  
professional services to the Ladies and Gen-  
tlemen of this place and its vicinity, from the  
25th until the 6th September. He would also  
request those who may favor him with their pa-  
tronage to make early application, as his time  
is limited, and he flatters himself that he is suf-  
ficiently known not to require any hesitation.

His office is at LEWIS CORNELIUS' Ho-  
tel.  
Milford, Aug. 26, 1841.

**REGISTER'S NOTICE.**

NOTICE is hereby given to all legatees and  
other persons interested in the estates of the  
respective decedents and minors, that the ad-  
ministration accounts of the following estates  
have been filed in the office of the Register of  
Monroe county, and will be presented for con-  
firmation and allowance to the Orphans' Court,  
to be held at Stroudsburg, in and for the afore-  
said county, on Tuesday the 7th day of Sep-  
tember next, at 10 o'clock in the forenoon.

1. The account of Samuel Ruth, Adminis-  
trator of the estate of George Ruth, late of the  
township of Hamilton, deceased.
2. The account of Mary Ruppel, Adminis-  
tratrix of the estate of John Ruppel, late of the  
township of Chesnuthill, deceased.
3. The account of Joseph Trach and Philip  
Kresge, Administrators of the estate of Philip  
Kresge, the elder, late of the township of Ches-  
nuthill, deceased.

M. H. DREHER, Register.  
Register's Office, Stroudsburg, Pa.  
August 4, 1841.

**SHERIFF'S**  
**SALE.**

George F. Bomberger,  
vs.  
John Reichard and Wilhel-  
mina Margaretha his wife,  
George P. F. C. Schrader,  
Juliana M. Schrader, Cath-  
arine M. Schrader and Ma-  
ria Louisa Elizabeth Schra-  
der.

In the Court of  
Common Pleas of  
Monroe county.  
Proceedings in  
Partition.

Notice is hereby given that by virtue of an  
order and decree of the Court of Common Pleas  
of Monroe county, made the 17th day of May  
A. D. 1841, there will be sold at the house of  
George Bush, Iankeeper, in Smithfield town-  
ship, Monroe county, on Monday the 30th day  
of August next, between the hours of 10 o'clock  
A. M. and 6 o'clock P. M. of said day, the fol-  
lowing described property, viz:

A certain tract of Land situate in Smithfield  
township aforesaid, adjoining lands of Henry  
Smith, George Bush, lands of the estate of  
Philip Shrawder, deceased, and lands late of  
the estate of George Zimmerman, deceased,  
containing

**241 Acres and 13 Perches**  
according to the draft thereof made by James  
Bell, dated the 29th December A. D. 1840, be-  
ing part of a tract called "Derry."

ALSO:  
**84 Acres and 147 Perches,**  
the residue of said tract called "Derry."

ALSO:  
**24 ACRES**  
situate on Van Campen's Island, in the county  
of Monroe aforesaid.

ALSO:  
The following property designated by Philip  
Shrawder, deceased, in his last will and testa-  
ment as his "New-house, Store-house, Barn,  
and lots whereon they stand and thereunto ad-  
joining and appertaining"—containing about  
**TWO ACRES AND A HALF,**  
be the same more or less.

ALSO:  
A tract of land adjoining lands of Nicholas  
Depew and Rachael Shrawder, deceased, situate  
in Smithfield township aforesaid, contain-  
ing  
**108 ACRES,**  
be the same more or less.

ALSO:  
A tract of land situate in Smithfield township  
aforesaid, near a creek called Marshalls creek,  
containing  
**200 ACRES,**  
be the same more or less.

ALSO:  
A lot of land adjoining that last described,  
containing about  
**FOUR ACRES.**

ALSO:  
A certain other tract or piece of  
land, with a Stone building thereon  
erected, situate in Smithfield town-  
ship aforesaid, adjoining the lot above  
described, as containing  
**108 Acres**

and Charles R. and Joseph V. Wilson's land,  
and containing  
**Seventy-Five Acres,**  
be the same more or less—Being the estate  
late of Philip Shrawder, deceased.

The terms and conditions of sale will be  
made known at the time and place of sale.  
SAMUEL GUNSALES, Sheriff.  
Sheriff's Office, Stroudsburg, Pa.  
July 30, 1841.

**JOB WORK**  
Neatly executed at the Office.